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FISCAL IMPACT REPORT

SPONSOR HJC DATE TYPED 2/18/05 HB 238/HJCS

SHORT TITLE Uninsured Motorist Exemption SB _____

ANALYST Rosen

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY05	FY06	FY05	FY06		
	NFI		NFI		

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

Responses Received From
 Public Regulation Commission (PRC)
 Department of Public Safety (DPS)

No Responses Received From
 Taxation and Revenue Department (TRD)

SUMMARY

Synopsis of Bill

House Judiciary Committee substitute for House Bill 238 creates an exemption to the Mandatory Financial Responsibility Act and allows a sober person, who drives a vehicle not regularly furnished or available to the sober driver, for the limited activity of safely driving an intoxicated person, to safely transport another person who is under the influence of intoxicating liquor, drugs or any other substance that to any degree impairs the intoxicated person's ability to drive a vehicle on any roadway surface.

Significant Issues

DPS indicates this exemption, in effect, holds harmless the driver of an uninsured vehicle in the event of an accident, directly conflicting with the intent and purpose of the Mandatory Financial Responsibility Act.

ADMINISTRATIVE IMPLICATIONS

DPS indicates this bill would create a loophole in the Mandatory Financial Responsibility Act and potentially increase the number of appeals and hearings requested by “aggrieved persons” as allowed under the Act regarding vehicle registration, suspension and revocation.

CONFLICT, DUPLICATION, COMPANIONSHIP OR RELATIONSHIP

According to DPS, the intent of the Legislature in enacting the Mandatory Financial Responsibility Act was to protect the public from “catastrophic financial hardship” in the event of a motor vehicle accident. In addition to conflicting with other subsections of the Act, this exception appears to negate this purpose.

TECHNICAL ISSUES

DPS notes that although the bill describes the transport in terms of a “limited activity” it includes no bounds in terms of time or distance traveled.

DPS reports drivers of uninsured motor vehicles under this bill will not be accountable under §66-5-205. The bill is silent as to the relationship of the intoxicated person or persons to the uninsured vehicle involved in the transport. The bill does not limit the number of intoxicated persons being transported in a single “limited” activity.

POSSIBLE QUESTIONS

DPS notes there are questions that law enforcement would encounter that would include the definition of a sober person:

- Does it mean someone below .02 if a juvenile, below .05 if an adult and below .04 if it is a commercial motor vehicle operator?
- If the person is above one of these levels would law enforcement charge them with violating the financial responsibility act?
- Would the passenger/intoxicated person need to be the owner of the vehicle?
- What level of intoxication would the intoxicated person need to be in order to meet the elements of the crime?

JR/lg